



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board



**Gray Davis**  
Governor

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION:** 31307

**DATE FILED:** March 18, 2002

Notice is hereby given that Rhinefarm Vineyards, A Partnership, have filed an application for a water right permit for diversion of water from (1) Haraszthy Creek, and (2) Unnamed Stream, both tributary to Arroyo Secco thence Schell Creek thence Schell Slough thence Steamboat Slough thence Third Napa Slough thence Second Napa Slough thence Sonoma Creek thence San Pablo Bay thence Pacific Ocean in Sonoma County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence to the applicant shall be mailed to:

Rhinefarm Vineyards, A Partnership  
c/o Ryan Stolfus  
Wagner & Bonsignore Consulting Civil Engineers  
444 North Third Street, Suite 325  
Sacramento, CA 95814-0228

### DESCRIPTION OF THE PROJECT

The applicant proposes to construct a 15 acre-foot capacity offstream Reservoir "A" with a surface area of 1.5 acres. Water will be diverted to the reservoir by pumping from Haraszthy Creek via a proposed 10-inch PVC pipe and to be used for the purposes of irrigation, heat control, frost protection, incidental recreation and fire protection. The applicant currently holds licensed Application 25404 (License 11959) which authorizes storage of 22 acre-feet per annum for irrigation and frost protection. Water will be used as a supplementary water source for storage in the existing place of storage Reservoir "B" covered under licensed Application 25404, and will also divert water to storage in the proposed offstream storage Reservoir "A" which will also be used as a supplementary water source for storage in the existing place of storage covered under licensed Application 24504. The existing vineyard was planted in the mid 1980's and no further vineyard development will be required.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."*  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

The maximum rate of diversion to offstream storage will be 2.9 cubic feet per second. The total amount diverted to storage pursuant to this application together with that allowed under License 11959 shall not exceed 37 acre-feet annually.

The project is located approximately three miles southeast of Sonoma.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 acre-feet (af) per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

**This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.**

#### APPLICATION INFORMATION

The applicant proposes to divert water from (1) Haraszthy Creek, and (2) Unnamed Stream both tributary to Arroyo Secco thence Schell Creek thence Schell Slough thence Steamboat Slough thence Third Napa Slough thence Second Napa Slough thence Sonoma Creek thence San Pablo Bay thence Pacific Ocean.

The Points of Diversion are located within the

- (1) SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 16, T5N, R5W, MDB&M.
- (2) NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected section 16, T5N, R5W, MDB&M.

The diversion and place of use are located within the County of Sonoma.

Amount of water applied for:

15 af (Storage),

not to exceed a total of 37 af per year.

Water will be used for: Irrigation, heat control, frost protection, incidental recreation and fire protection.

The applicant has requested to divert water from: November 1 to May 31.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	16	5N	5W	MD	2	Yes
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	16	5N	5W	MD	2	Yes
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	16	5N	5W	MD	17	Yes
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	16	5N	5W	MD	25	Yes
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	16	5N	5W	MD	13	Yes
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	16	5N	5W	MD	37	Yes
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	5N	5W	MD	25	Yes

SW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	5N	5W	MD	11	Yes
SE <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub>	16	5N	5W	MD	1	Yes
NE <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub>	17	5N	5W	MD	2	Yes
				TOTAL	135	

## ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/), but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Patricia L. Miner  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**In addition, the protestant must send a copy of the protest to the applicant.**

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA) **by 4:00 p.m. on the 40<sup>th</sup> day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

## **PROTEST REQUIREMENTS**

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

## **RESOLUTION OF PROTESTS**

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

## **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Patricia L. Miner by phone at (916) 341-5314 or by electronic mail at [pminer@waterrights.swrcb.ca.gov](mailto:pminer@waterrights.swrcb.ca.gov). Protest forms may also be obtained from the Division's web-site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

## **DATE OF NOTICE:**